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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO..
09/826,139	04/04/2001	Keith E. Moll	1545	2337
28005	7590	02/12/2004	EXAMINER	
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		ART UNIT		PAPER NUMBER
		2682		5

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/826,139	MOLL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Un C Cho	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 10-14 is/are rejected.
- 7) Claim(s) 9 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The IDS filed on 7/30/01 and 2/13/02 have been considered and recorded in file.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 7, 10, 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by HOSE (WO 00/04730).

Regarding claim 1, HOSE teaches a method for providing location based information to a subscriber in a wireless communication network, the method comprising the steps of:

receiving a position of the subscriber and a service identifier; associating service area with the position of the subscriber and with the service identifier; and retrieving the location based information, wherein the location based information is associated with the service area (Page 12, lines 1 – 13).

Regarding claim 2, HOSE teaches a platform (Fig. 1, 112) that has stored therein instructions to execute the method of Claim 1 (Page 7, lines 25 - 27).

Regarding claim 7, HOSE teaches receiving location information from global positioning system embodied in the telephone (Page 8, lines 17 – 19).

Regarding claim 10, HOSE teaches reading the location based information from a data base, wherein the data base is associated with the service area (Page 12, lines 5 – 8).

Regarding claim 11, HOSE teaches providing the location based information associated with the service information to the subscriber's phone (Page 14, lines 30 - 32).

Regarding claim 12, HOSE teaches a MSC (Mobile Switching Center) (Fig. 1, 110); LFE (Location Finding Equipment) (Fig. 1, 116); and a Platform (Fig. 1, 112) connected to the MSC and to the LFE, wherein the platform runs instructions to perform the steps of: receiving a request for the location based information from the MSC, wherein the request includes a service identifier; obtaining a position of the mobile station from the LFE; associating a service area with the position of the subscriber and with the service identifier; retrieving the location based information associated with the provider area; and providing the location based information to the MSC for forwarding to the subscriber (Page 7, lines 25 – 27 and Page 12, lines 1 – 13).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 2.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2682

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOSE in view of Caughran et al (US 2002/0107029).

Regarding claim 3, HOSE teaches choosing the service identifier and determining the service area (HOSE, Page 12, lines 5 – 8). However, HOSE fails to teach ascertaining a zone layer for the service identifier, wherein the zone layer is a categorization of zones for the service identifier; selecting a zone from the zone layer, wherein the zone corresponds to the position of the mobile station; and determining the provider-defined region that encompasses the zone. In contrast, Caughran teaches including a zone type in the request, wherein the zone type is a categorization of zones of predetermined geographical area; selecting a geographical data from the zone type, wherein the zone based geographical data corresponds to the position of the mobile subscriber unit; determining the geographical data with respect to the zone type requested (Caughran, Paragraph 0005, lines 7 – 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Caughran to HOSE to provide a way for obtaining geographical zone data for a mobile subscriber unit.

4. Claims 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOSE in view of Chern et al (US 2003/0060211).

Regarding claim 4, HOSE teaches, instructing the LFE to provide the position of the subscriber (HOSE, Page 11, line 32 – Page 12, lines 1 – 2). However, HOSE fails to teach, associating a level of granularity with the service identifier; and based on the service identifier, instructing the cellular wireless system to determine the position of the mobile station at the associated level of granularity. In contrast, Chern teaches associating a parameter limits or filters to refine the request and selections returned regarding the service type and based on the service type (Chern, Paragraph 0046, lines 1 – 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chern to HOSE to provide a way to add new features to their communication devices to create a more efficient location based information retrieval system for a wireless communication device.

Regarding claim 6, HOSE teaches, instructing the LFE to provide the position of the subscriber (HOSE, Page 11, line 32 – Page 12, lines 1 – 2). However, HOSE fails to teach determining whether the level of granularity is a high level of granularity; and when the level of granularity is the high level of granularity, instructing position determining equipment to provide the position of the mobile station. In contrast, Chern teaches determining whether the parameter is more refined (Chern, Paragraph 0046, lines 1 – 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made

to provide the teaching of Chern to HOSE to provide a way to add new features to their communication devices to create a more efficient location based information retrieval system for a wireless communication device.

Regarding claim 8, HOSE fails to teach mapping the provider defined region to a universal resource locator; transmitting a request for the location based information to the universal resource locator; and receiving a response containing the location based information from the universal resource locator. However, Chern teaches creating the service provider to the web page URL; transmitting a request for the location based information to the URL; and receiving a response containing the location based information from the URL (Chern, Paragraph 0074 through 0075). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chern to HOSE to provide a way to add new features to their communication devices to create a more efficient location based information retrieval system for a wireless communication device.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOSE and Chern as applied to claim 4 above, and further in view of Alperovich et al (US 6,233,448).

Regarding claim 5, HOSE as modified by Chern teaches determining the parameter limit (Chern, Paragraph 0046, lines 1 – 4). However, HOSE as modified by Chern fails to teach assigning a cell identifier as the position of the

mobile station. In contrast, Alperovich teaches assigning a cell ID to determine the general position of the mobile station (Alperovich, Col. 3, lines 49 – 50). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Alperovich to HOSE and Chern to performing selected actions based upon the location of a mobile station in a mobile communications network.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOSE as applied to claim 1 above, and further in view of Chern and Caughran.

Regarding claim 13, HOSE teaches receiving a service identifier; and providing the location based information to the subscriber (HOSE, Page 7, lines 25 – 27 and Page 12, lines 1 – 13). However, HOSE fails to teach associating a level of granularity with the service identifier; instructing the cellular wireless system to determine a position of the mobile station at the associated level of granularity; associating a zone layer with the service identifier, wherein the zone layer is a categorization of zones for the service identifier; selecting a zone from the zone layer, wherein the zone corresponds to the position of the mobile station; determining the provider-defined region that encompasses the zone; mapping the provider-defined region to a universal resource locator; transmitting a request for the location based information to the universal resource locator; receiving a response containing the location based information from the universal resource locator. In contrast, Chern as modified by Caughran teaches receiving a

service type (Chern, Paragraph 0045, lines 1 – 11); associating parameter limits or filters with the service type (Chern, Paragraph 0046, lines 1 – 4); instructing the wireless network system to determine a position of the mobile station associated with the parameter (Caughran, Paragraph 0026, lines 10 – 11); associating a zone data with the service type, wherein the zone data is a categorization of geographical data for the service type; selecting a geographical data from the zone data, wherein the zone corresponds to the position of the mobile unit; determining the geographical data with respect to the zone type (Caughran, Paragraph 0005, lines 7 – 16); mapping the service provider to a universal resource locator; transmitting a request for the location based information to the universal resource locator; receiving a response containing the location based information from the universal resource locator (Chern, Paragraph 0074 and 0075); Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Caughran and Chern to HOSE to provide a way for obtaining geographical zone data for a mobile subscriber unit.

***Allowable Subject Matter***

7. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reason for allowance:

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Regarding claim 9, HOSE (WO 00/04730) and Chern (US 2003/0060211), either alone or combination fail to teach associating a surrogate identifier with mobile station; determining whether the response contains the surrogate identifier; and when the response contains the surrogate identifier, associating the location based information with the mobile station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
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Examiner  
Art Unit 2682

2/9/04